

Gc
977.5
Sm56h
1853803

M. L.

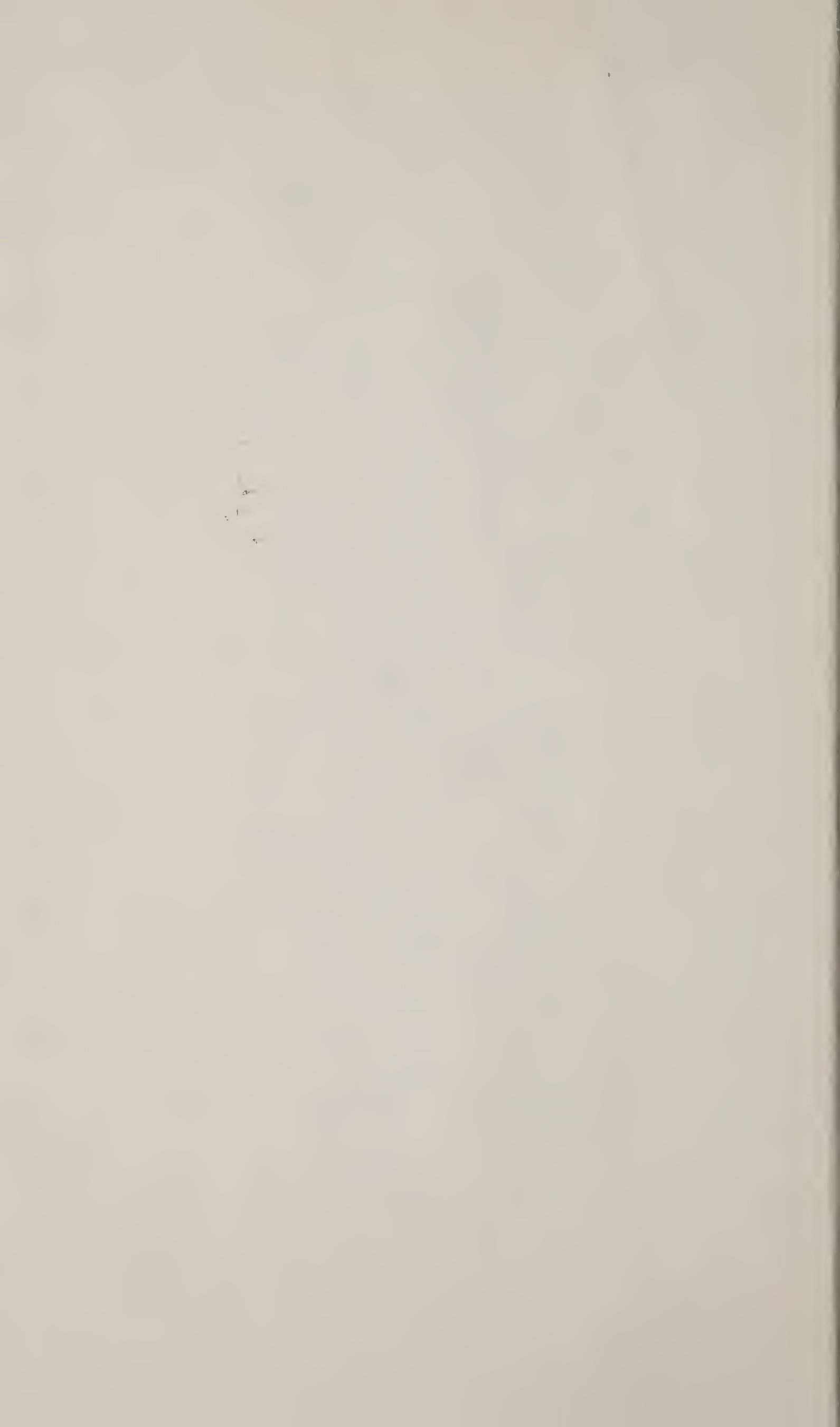
REYNOLDS HISTORICAL
GENEALOGY COLLECTION

1

ALLEN COUNTY PUBLIC LIBRARY



3 1833 01052 6785



AN HISTORICAL ADDRESS ^c
BEFORE THE
WISCONSIN PIONEER ASSOCIATION
AND
THE SURVIVING MEMBERS
OF THE
CONSTITUTIONAL CONVENTIONS OF 1846-47
DELIVERED JULY 16, 1879

BY HON. GEORGE B. SMITH

MADISON, WIS.
DAVID ATWOOD, PRINTER AND STEREOTYPER

1879



Digitized by the Internet Archive
in 2018

AN HISTORICAL ADDRESS

BEFORE THE

WISCONSIN PIONEER ASSOCIATION.

MR. PRESIDENT AND FELLOW CITIZENS: Wisconsin has had an eventful history. It is claimed that, as early as 1634, only fourteen years later than the landing of the Pilgrims on Plymouth Rock, and long before the settlement of William Penn at Philadelphia, John Nicolet, a daring Frenchman, had visited what is now Green Bay, with a view to smoke the pipe of peace with the Winnebagoes. It is certain, that as early as 1665, the Jesuit missionaries commenced at La Pointe, on Lake Superior, their work of Christianizing the Indians. It is also certain that in 1669, their missionary labors began in the vicinity of Green Bay. Wisconsin was also the great highway over which the first explorers passed, in search of the Mississippi river and the unknown sea. In the year 1673, Louis Joliet, with Father Marquette, passed up the Fox river from Green Bay, and down the Wisconsin river, in search of the Father of Waters. On the 17th of June of that year, they discovered it, at the mouth of the Wisconsin river, near where now stands Prairie du Chien.

These men, especially Father Marquette and others, came to this wild and lonely region mainly to bring religion and civilization to the Indians; incidentally they came on a voyage of discovery. There was another, and in many respects a greater than these, who came to explore in the interest of conquest and commerce. I refer to La Salle, who, as early as 1680, with

his little party and his faithful and famous friend, Tonty, discovered the Mississippi river still further south, in what was then called the Illinois country, now the state of Illinois. Afterwards, he followed the river to the Gulf of Mexico. This man of wonderful enterprise, wondrous foresight and iron energy, even then dreamed that the Valley of the Mississippi might, in his time, become what it is now—the garden and glory of the world. Still later, and all the way down to the time when it was finally owned and occupied by the United States, Wisconsin continued to have a remarkable and eventful history, until it was finally organized into a separate territory in 1836; when the people then here were invested with the great American boon of self-government.

From 1671 to 1763, a period of 92 years, Wisconsin was under the government of France; from 1763 to 1796, a period of 33 years, it was governed by Great Britain, although the latter, in 1783, had ceded her claim to the United States. From 1796 to 1800, it was under the government of the United States as part of the territory northwest of the river Ohio; for nine years, from 1800 to 1809, it was under the territorial government of Indiana; from 1809 to 1818 it was governed by the territory of Illinois, and from 1818 to 1836 it was under the territorial government of Michigan. Thus it will be seen that for a period of 165 years the territory which now comprises this magnificent state was the mere foot-ball of nations, states and territories.

Since Wisconsin came under the government of Illinois territory, it has had a somewhat curious, as it had before a remarkable, history. In the year 1784, on the 1st of March of that year, and in less than one hundred days after the evacuation of this country by the British army, Thomas Jefferson reported to the Continental Congress, with the concurrence of his committee—a majority being from the Southern States—his celebrated ordinance for the government of all the territory ceded or to be ceded by individual states to the United States, * * * section 5 of which provided: “That after the year 1800 of the Christian era, *there should be neither slavery nor involuntary servitude in any of*

the said states, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty."

* * * Sixteen members voted for and seven against this ordinance, on a test vote, but the requisite majority of states not voting for the ordinance, it failed. It will be observed that this proposed ordinance embraced all of the states thereafter forever to be admitted into what was then denominated the confederacy. Afterwards, on the 13th of July, 1787, two months before the adoption of the constitution, and something like a year before its ratification by nine states -- the requisite number to make it the constitution of the United States -- that celebrated ordinance "for the government of the territory of the United States northwest of the river Ohio," introduced by Nathan Dane, of Massachusetts, was passed by the Continental Congress. Article 6 of this ordinance is in substance exactly like article 5 in the one introduced by Mr. Jefferson, which I have already quoted, with a proviso in relation to persons owing service who should escape from any of the original states. By this ordinance all officers of the territories had to be appointed by congress. After the adoption of the constitution of the United States, and on the 17th of August, 1789, congress amended this ordinance by providing that all such officers should be appointed by the president of the United States; in all other respects the ordinance of 1787 stood as the organic and paramount law for the government of the territory of the United States northwest of the river Ohio.

This ordinance of 1787, so familiar to all of the early settlers of Wisconsin, was the great charter of our rights and the limit of our powers, as it had been for all the territories which had, before that time, been admitted into the Union out of the northwest territory, or of the territory northwest of the river Ohio. Except the Constitution of the United States, this ordinance was unquestionably the grandest and most perfect written charter for the protection of the rights and liberties of a people that had ever been devised. In some respects it was more explicit and more perfect than the constitution itself. In view of subsequent events, it is instructive to observe the wisdom and forethought of the following provision

of this ordinance: "Article 4. The said territory and the states which may be formed therein shall forever remain a part of the confederacy of the United States of America, subject to the articles of confederation and such alterations therein as shall be constitutionally made, and to all the acts and ordinances of the United States in congress assembled conformable thereto." If this or a like expression had been inserted into the Constitution of the United States, we should never have heard of the right of constitutional and legal secession. Such a doctrine could never have found advocates or followers, and it may be, nay, it is almost certain that it would have saved the people of this country from that cruel and awful war with all its terrible consequences which must abide with our people for generations to come, possibly forever.

It is indisputable that many of the American statesmen, north and south, did believe in the right of secession, and the question was considerably discussed even at an early day; finally, and unhappily, too, many were willing to peril all in support of this opinion. Had this plain and emphatic declaration been adopted, "that all the states that adopt and accept this constitution, shall forever remain a part of the United States subject to this constitution," none would have been found bold enough and bad enough to propose the dissolution and destruction of the Union; for that would have been treason without a parallel and without even the poor excuse of an honest conviction.

But I have wandered somewhat from my subject, and from the plan of this address. I now return, hoping that my digression may not, after all, be unprofitable. The ordinance of 1787, article five, provided that there should be formed in the said territory not less than three nor more than five states, * * * * with this proviso: "That if congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of said territory *which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan.*" Thus, the north line of the Territory of Illinois and the south boundary of Michigan, and what is now Wisconsin, was fixed on a line "drawn through the southerly bend or extreme of Lake Michigan." By the ex-

press terms of the ordinance, it was "forever to remain unalterable, unless by common consent." Such continued to be the north line of the territory of Illinois, until 1818, when that territory applied for admission into the Union. She had formed a state constitution, and applied to congress for admission into the Union on an equal footing with the original states. Neither the legislature of the territory of Illinois, nor the convention that framed the constitution, had suggested any change in the boundaries of the state. The original bill introduced into congress by Judge Pope, the delegate from Illinois, did not provide for any change of boundary; but, while the bill was pending, Judge Pope, solely on his own responsibility, proposed an amendment to it as follows: "by striking out the lines defining the boundaries of the new state, and inserting the following:" "Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana to the northwest corner of said state to the middle of Lake Michigan; thence north along the middle of said lake to north latitude 42 degrees, 30 minutes; thence west to the middle of the Mississippi river to its confluence with the Ohio river; and thence up the latter river along the northwestern shore to the beginning." This amendment was adopted without division and without opposition, and then the mischief was done. (See 2d vol. Annals of Congress for the year 1818, p. 1677.)

Congress, in thus establishing the boundaries of that state, extended its north line near sixty miles north of the line established by the ordinance of 1787, and this was done without the consent of the inhabitants then resident within what afterwards became Wisconsin; indeed, it was done at a time when there were but few here to object, and it was done in such haste that these few had no opportunity to object. The part thus taken from what would otherwise have been a part of the present Wisconsin, embraces the fourteen northern counties of Illinois, the richest and most populous part of that state, including, of course, the city of Chicago.

The ordinance of 1787, although made unalterable, was changed in this particular, but time and circumstances have sanctioned the change, and it is now, indeed, unalterable. Gov.

James D. Doty, who was always mindful of the honor and interests of Wisconsin, did, as soon as he had an opportunity to do so, manfully and ably protest against this manifest injustice and wrong. In the first constitutional convention for this state, Gov. Doty brought this subject to the attention of the convention in a very able report, reviewing all the circumstances connected with it, and finally proposed that the whole subject be referred to the Supreme Court of the United States for a final adjudication and adjustment. (See his report and also a very able and interesting report on the same subject made by the Hon. D. A. J. Upham to the territorial legislature; journal of first constitutional convention, from page 136 to 146.)

I have referred to this subject solely for the purpose of calling your attention to the circumstances and the reasons which induced this change of boundary. It was done sixty-one years ago, and only thirty-one years after the adoption of the Constitution of the United States, at a period when now, it would hardly be thought that there was any threatened danger of a dissolution of the Union; and yet we see that the solemn compact of the ordinance of 1787, was disregarded, and what is more, Wisconsin deprived of a very important and immensely valuable part of its territory, in order that Illinois, just then to be admitted as a state, might be more firmly bound to the Union by identifying her through the great lakes, with the "Eastern States and Northern Interests." Wisconsin was thus early sacrificed and dismembered in the interest of the Union and of peace.

Now for the reasons assigned. Mr. Pope said in support of his amendment (see same page, 1677): "The object of this amendment was to gain for the proposed state a coast on Lake Michigan. This would afford additional security to the perpetuity of the Union, inasmuch as the states would thereby be connected with the states of Indiana, Ohio, Pennsylvania and New York, through the lakes." * * * This is but a meager report of what was said by Judge Pope in advocating his amendment, but the point is plainly brought out in the little we have here reported. Gov. Ford, in his admirable history of Illinois, in speaking of

this subject, says at page 22: "But there were other and more weighty reasons for the change of this boundary, which were ably and successfully urged by Judge Pope upon the attention of congress. It was known, he said, that in all confederate republics there was danger of dissolution. The great valley of the Mississippi was filling up with a numerous people; the original confederacy had already advanced westward a thousand miles across the chain of mountains skirting the Atlantic; the adjoining states in the western country were watered by rivers running from every point of the compass, converging to a focus at the confluence of the Ohio and Mississippi at Cairo. The waters of the Ohio, Cumberland and Tennessee rivers carried much of the commerce of Alabama and Tennessee, all of Kentucky, a considerable portion of that of Virginia, Pennsylvania and New York, and the greater portion of the commerce of Ohio and Indiana down by the point at Cairo (situated in the extreme south of Illinois), where it would be met by the commerce to and from the lower Mississippi, with all the states and territories to be formed in the immense country on the Missouri and extending to the head waters of the Mississippi. Illinois, he said, had a coast of 150 miles on the Ohio river and nearly as much on the Wabash; the Mississippi was its western boundary for the whole length of the state; the commerce of all the western country was to pass by its shores, and would necessarily come to a focus at the mouth of the Ohio at a point within the state and within the control of Illinois, if, the Union being dissolved, she should see proper to control it." Mr. Ford says: "It was foreseen that none of the great states in the west could venture to aid in dissolving the Union, without cultivating a state situated in such a central and commanding position." Again, he says: "Illinois was certain to be a great state with any boundaries which the government could give. Its great extent of territory, its unrivaled fertility of soil, * * * * together with its commanding position, would in course of time give the new state a very controlling influence with her sister states upon the western rivers, *either in sustaining the Federal Union as it is, or in dissolving it and estab-*

lishing new governments. If left entirely upon the waters of the great rivers, it was plain that in case of threatened disruption, the interest of the new state would be to join a southern and western confederacy. But if a large portion of it could be made dependent upon the commerce and navigation of the great northern lakes, connected as they were with the eastern states, a rival interest would be created to check the wish for a western and southern confederacy." "It thereupon," he says, "became the duty of the national government not only to make Illinois strong, but to raise an interest inclining and binding her to the eastern and northern portions of the Union. (See also Davidson & Stuve's History of Illinois from 1673 to 1873, pages 295 and 296.)

We have it here plainly avowed that Illinois ran so far into the south, and was so situated on the great rivers running in that direction, that something must be done to "*balance her interest and incline her to the north.*" For this reason and for this purpose the congress of the United States, in utter disregard of the solemn compact of the ordinance of 1787, gave to Illinois a port on Lake Michigan and a large strip of splendid territory which justly belongs to Wisconsin, and thus, it may be said, she was saved to the north and to the Union. It may be that this country has been benefited and prospered by this act of bad faith, not to say robbery. If so, Wisconsin has made the sacrifice, and she is fairly entitled to the honor of all the good that followed the act.

What Wisconsin would have been to day, had her original boundary remained, is a question not profitable now to speculate upon, as it is by no means pleasant to reflect on. But this is not all. Wisconsin was destined to suffer and sacrifice still more in the interest of peace, if not in the interest of the Union. After Michigan and Ohio had quarreled and fairly come to blows over their boundaries, the matter was finally settled and the parties appeased if not satisfied, by congress giving to Michigan as a compensation in part for the strip of her territory given to Ohio, that portion of country on Lake Superior between the straits of Mackinaw and Montreal river, directly north of us, and which by every consideration justly belongs to the state of Wisconsin. It has

no connection whatever with that state; and the inhabitants of that section, especially in winter, have no other way to reach their capital except to pass through the states of Wisconsin, Illinois and Indiana; — but the interest of peace required that Wisconsin should be again sacrificed; it was sacrificed, and we have submitted.

Again, when the Webster treaty was made in 1842 with Great Britain, more of our territory lying on the extreme north was taken from us and given to England in the interest of peace, and again we submitted without a murmur.

Notwithstanding we have been cut and carved at both extremities, north and south, we still have a territory twice as large as the great state of New York, rich beyond all calculations in everything that conspires and combines to make a prosperous and luxurious abiding place for man.

In the year 1783, settlements first began at Prairie du Chien, Wisconsin, and afterwards, perhaps as early as 1800 or 1805, some few settlements were made in the southwestern part of the state, by persons attracted by the lead mines of that section.

In 1820, Lewis Cass, then governor of Michigan, to which Wisconsin was attached, came to Wisconsin with a distinguished party of gentlemen, among whom was Henry R. Schoolcraft who published in 1821 a "narrative journal" replete with valuable information relative to this country. Wisconsin, we learn from this journal, was then little more than the abode of a few Indian traders scattered here and there throughout the territory.

This expedition and this "narrative journal" brought this country somewhat into notice. Of this expedition, James D. Doty was secretary; and from that time to the time of his death, in Utah territory, of which he was at the time governor, he was identified with every period and every page of our history. Indeed, a full and faithful life of James D. Doty, would be a history of Wisconsin from 1820 to 1869.

But it is said that the Sauk or Black Hawk war of 1832 did more than anything else to turn the attention of emigrants and others to this country. It brought it into general notice through-

out the whole United States and abroad. From this time it began to settle rapidly, so that in 1836 enough people from the states settled here to justify its organization into a territorial government, which was done by act of congress, approved April 20, 1836. On the the 3d of July following, the people then in Wisconsin, commenced to govern themselves. It is curious to observe how easily and effectually the people here were invested with governmental power, which was to abide with them and their successors forever, unless they should voluntarily give up the right of self-government. Section twelve of the act of congress organizing the territory provided as follows: "That the inhabitants of said territory shall be entitled to and enjoy, all and singular, the rights, privileges and advantages granted and secured to the people of the territory of the United States, northwest of the river Ohio, by the articles of the compact contained in the ordinance for the government of the said territory, passed on the 13th day of July, 1787, * * * and the existing laws of the territory of Michigan shall be extended over said territory, * * * to be altered, modified or repealed by the governor and legislature of said territory of Wisconsin. * * * And further, the laws of the United States are hereby extended over and shall be in force in said territory, so far as the same or any provision thereof shall be applicable."

Under this act, the people of Wisconsin were invested with the power of self-government, and now it was that they set up for themselves. From that day to this they and we have been responsible for what has been done. I come now to speak especially to those of our fathers who organized the government and who made a state.

From 1836 to 1848, when Wisconsin was admitted into the Union as one of the states, entitled to all of the privileges of the original states under the constitution, a body of laws had been framed and a system of government adopted, so wise, so liberal, and so just to every class and every interest, that there was little left for the state to do but to adopt and fit the laws and the system to the changed condition of affairs. It is sad to reflect that by far the greatest number of those to whom we are indebted for

the priceless blessing of a good beginning have passed away. It is pleasant, however, to contemplate that these men live and always will live in the grateful memories of the whole people of this great and growing commonwealth.

Some few of them, however, are still here, and yet fewer are with us to-day. It ought to be, and it will be, I am sure, gratifying to them to know that we appreciate what they have done for the state, and for the people of the state, in thus early organizing and establishing a system of equal and just laws;—laws which have endured so long, and are likely to endure forever. All honor to the living and the dead who gave and secured to us this wonderful foundation for our prosperity and success.

Wisconsin was especially fortunate in the appointment of its first territorial officers, and especially in the appointment of Henry Dodge as its first governor; too many of the officers of territories have been men from other states, appointed to administer the affairs of a people they did not know, and to govern where they had no interest, and little knowledge of the capacity and resources of the country, and the wants and wishes of the people. This was not the case in Wisconsin. Gov. Dodge was at the time of his appointment, and had been for a long time, a resident of Wisconsin, identified with the territory and its people. He was a man who had won honorable fame in the service of his country, and he fairly represented every interest in the new territory. It was therefore eminently fit that he should be its first governor. Following him in the changing phases of politics came James D. Doty as governor. He, too, had been distinguished as a judge and a citizen; and he, too, was and had been, from still an earlier day, identified with Wisconsin. His interests, like those of Gov. Dodge, were here in Wisconsin and nowhere else. The same might be said of most of the other territorial officers, but the governor was the leading officer, who, together with the people with whom and whose interests he was identified, gave form and shape to all things. To this may fairly be attributed the early prosperity and permanent welfare of Wisconsin. N. P. Talmage, of New York, was governor of the territory from June 21, 1844, to April 8, 1845; with

the exception of this short period, Dodge and Doty held the office during the entire period of territorial government. First, Gov. Dodge held the office from April 30, 1836, to September 30, 1841; Gov. Doty from September 30, 1841, to June 21, 1844; N. P. Talmage from June 21, 1844, to April 8, 1845; Gov. Dodge again from that time until the state was admitted into the Union in 1848, May 29.

Again, the people who came here, came to make it their home, and few who came ever went away. Therefore, when they were called upon to act in public capacities, to make and administer the laws, they made laws for themselves, and in administering them they did "unto others as they would have others do unto them." In short, Wisconsin was then, as it is now, one great family of good fellowship. It could not have been so, if bad or unwise men had been here in the beginning, and it will take a good many bad men a good while to change its character in this respect. Rich as Wisconsin is in climate and fertility of soil, in rivers, lakes and resources of every description, it is still richer in the volume and body of its laws and in the intelligence, enterprise and character of its population. It has been here, as it has ever been everywhere among men who have founded a nation or a state, some among them have attained an enduring fame, a fame equal to if not surpassing any who come after them. It would be a real pleasure to mention some of the many men of the territory of Wisconsin who contributed to make it what we have faintly described it. All of them could not be mentioned within the limits of this address, and when all are so deserving, it would be invidious to mention a few.

I have thus far named but two, Henry Dodge and James D. Doty. I have mentioned them because they occupied commanding positions, where they were necessarily identified with every interest, and in this sense they were the two great leaders of the whole. There was rivalry between these two remarkable men, and to each was attached a large following of friends, each vying with the other to see who could best advance the interests of the young and growing territory.

There was enough for them all to do. It is impossible for us now rightly to appreciate what these early settlers had to do. The wonder is that they did so much, and did it so well in so short a time. In some respects, however, Wisconsin was more fortunately circumstanced than any of the other new territories, or, indeed, of the older states. The character of the country was favorable to rapid settlement and quick development. The Sauk or Black Hawk war, which we have seen gave a quickening stimulus to settlement of this territory, had subdued the Indians into a sort of respect for the rights of white men; for this and other reasons, the early settlers were exempt from the fears and dangers which had so retarded the early settlements elsewhere. There was but little danger apprehended, and no acts of savage violence to speak of, suffered by the earlier settler. They were ordinarily safe to settle in any section of the territory, so that at an early day every section of the country was to some extent occupied; means of communication had at once to be provided, roads were to be made, and what was far more difficult and expensive, bridges were to be built over the numerous streams, large and small, that thread our state in every direction. Yet all this was done; it was done well and done quickly. The foundation was very early laid for all of the public institutions necessary and incident to a well-ordered government.

The country settled rapidly with emigrants from the states and from the old world, so that within a period of ten years from the organization of the territory, it had the requisite population to entitle it to be admitted as a state into the Union.

Under the territorial system of government, the people were in some sense subordinated to the congress of the United States. Although their career had been one of unparalleled success, it is indisputable that by this time they had become restive and uneasy under the seeming vassalage of the situation, so that everybody expressed the wish to form for themselves a constitution and be admitted into the Union as an independent state, or, as we expressed it at that time, "a sovereign, independent state."

The legislature, therefore, heeding this general public sentiment,

passed a law on the 31st of January, 1846, providing for a convention and for the election of delegates to form a constitution. Delegates were elected, and on the 5th day of October of the same year, they assembled at the Capitol in Madison, and proceeded at once to the discharge of that duty. This brings us to a very remarkable period in the history of Wisconsin, and I confess that I feel utterly incompetent to deal properly with the subject at this point. It is proper to say, however, that this convention of 1846 was composed of some of the oldest settlers of the territory, and some of the ablest men that have ever taken part in the public affairs of Wisconsin. Some of them had been greatly and justly distinguished for their devotion to the interests of the territory, and many of the same men have been no less distinguished since then, for their services and devotion to the welfare of the state; and I may properly add that the wisdom of the people of that time in making choice of the delegates to this convention, has since been fully justified by the confidence that has been continued to them by the people of the state down to this day. It would not be appropriate to the occasion, and if it was so, time would not permit me even briefly to allude to the subsequent history of these men. This duty has been ably performed by the secretaries of this convention, David Atwood and Horace A. Tenney, who were both reporters in the convention of 1846, and also in the convention of 1847-8, which framed the constitution that was finally ratified by the people — our present constitution under which Wisconsin was admitted into the Union. Their report, which will always be a valuable contribution to the history of Wisconsin, embraces a brief biographical sketch of each member of both conventions. Some have been members of congress, one a cabinet officer and minister abroad; one a justice of the supreme court, and two, one of each convention, have been chief justices of the state; several have held state offices and many have been members of the legislature. In many ways they have enjoyed the confidence and been honored by the people of the state. Many of our associates who met with us on that bright October day, away back in 1846, now nearly thirty-three years

ago, and who labored with us through the sixty-two days that we were engaged in trying to make a constitution for the protection of the rights and liberties of the people of Wisconsin — one that would meet the approval of those who had delegated us to perform that duty — have passed to an honorable grave, and I am proud to say that I do not know of one, either living or dead, of either convention, who had dishonored the good name he deservedly won.

The constitution framed in 1846 not being ratified, another convention was provided for, which met at the Capital on the 15th of December, 1847, and framed the present constitution, which was ratified by the people. Before alluding to the present constitution, or more especially to the convention that framed it, it will be proper that I should briefly refer to the causes and to the arguments that led to the defeat of the one framed in 1846. After this lapse of time, and in view of the action of the second constitutional convention, and of the subsequent legislation of the state in reference to the matters forming the objections then urged against the constitution, it would be exceedingly difficult to make the people of this day understand why the first constitution was not ratified. Several reasons were urged in argument before the people, why it was that the convention did not make a proper constitution, or, rather, why they put into it the objectionable provisions, which were stated to be:

- (1) The article in relation to the rights of married women.
- (2) The article on exemptions.
- (3) The bank article.
- (4) The number of representatives in the legislature.
- (5) The elective judiciary.

The article on married women was as follows: "All property, real and personal, of the wife, owned by her at the time of her marriage, and also that acquired by her after marriage, by gift, devise, descent, or otherwise than from her husband, shall be her separate property."

The article on exemption was as follows: "Forty acres of land * * * or the homestead, not exceeding forty acres, * * * which

shall not exceed in value one thousand dollars, shall be exempt from execution of forced sale."

The article on banks prohibited banks of issue.

The legislature should not consist of less than 60 members, nor more than 125; and it was provided that the judiciary should be elective.

A distinguished opponent of the constitution said in a public speech at that time, that "these features of the constitution are not only bad of themselves, but they are still more objectionable when we reflect that they will produce other laws still worse. They are seeds of evil which will produce an hundred fold."

These and similar arguments finally resulted in rejecting the constitution. The article on the rights of married women, the exemption article and the elective judiciary were denounced in unmeasured terms as being ruinous to the peace, prosperity and happiness of the people forever.

The next convention framed a constitution leaving the "rights of married women" to be provided for by the legislature, and the legislature a few years afterwards adopted into a law substantially that which was provided for in the rejected constitution.

It also provided that the legislature should pass exemption laws of real and personal property; and soon after the legislature made a liberal exemption of personal property and exempted forty acres of land, the homestead, or a quarter acre in a city or village, without reference to its value, whereas in the rejected constitution the value of such exemption was limited to one thousand dollars. It fixed the number of members of the legislature at not less than fifty-two, nor more than one hundred — hardly difference enough to talk about — and the judiciary was made elective as in the rejected constitution. In respect to banks, that was so left that the subject of bank or no bank might be submitted to the people. Thus we find in the second constitution and in the legislation of the state soon after enacted, nearly every feature which had made our work unpopular, and there it has remained, the pride and glory of the state to this day. Although our work was rejected, it yet was in a great degree the foundation and guide for

those who were subsequently charged with the duty of framing the constitution which we now have.

The second constitutional convention assembled in Madison on the 15th day of December, 1847, and closed its labors on the 1st day of February, 1848. The result of its labors was the present constitution. That it was a good constitution is sufficiently attested by the fact that it has remained the organic and paramount law of the state for now more than thirty years, unchanged in any of its important and essential features, and we have seen that in many respects it is the exact counterpart of the one that had been rejected; that the subsequent legislation of the state has in many respects even advanced in the direction in what was called the radical, and for a time the most unpopular provisions of the rejected constitution.

This convention, like the first one, was composed of many of the earliest settlers of the territory, and many of them were the very ablest men in it. We have already noted that many of those, as well as those in the first convention, have risen to honorable distinction in the service of the state. After all, it was the work of these men of the second convention that was crowned with success, and thus they won the high and honorable distinction of being the founders of a state.

This state, as we have seen, has had a varied fortune and a singular history, but ever since its organization into a territory in 1836 it has advanced in rapid strides with uninterrupted and unparalleled prosperity to its present acknowledged high position among the states of the Union. All of its duties to the general government in every emergency have been honorably and faithfully performed. The rights of its citizens have been scrupulously protected by a just and equitable system of laws, and by a fair and able administration of justice.

The remarkable good fortune that has always attended our people is due in a great degree, I think, to the wisdom and singular unselfishness of those earlier settlers of the territory, who laid the foundation of a good government, broad and deep, upon which has been built within a period of little more than forty years a

great commonwealth, embracing within its borders a million and a half of people as industrious, intelligent and prosperous as any people on the globe. It is no vain boast to say that Wisconsin is as fair a land as the sun shines on. It embraces within its limits every attribute and every facility as regards climate, fertility of soil, and all that goes to make an independent and self-sustaining people. It is an empire within itself. Its geographical position is unrivalled. On the north we have the great inland sea, Lake Superior; on the east, along our whole border, we have lake Michigan, second only to Lake Superior in extent; on our western boundary, we have the wonderful Mississippi; and generally the interior of the state is threaded with "a watery net-work of great utility;" many of the streams are navigable for boats — more are navigable for logs and lumber, and altogether they afford water power enough to run all the machinery in the world. The state is dotted all over with clear and beautiful lakes and with innumerable springs of healing waters, which already are attracting the afflicted from far and near. In many localities the earth is literally teeming with the richest of ores, lead, iron and copper, and our pineries are simply inexhaustible.

This is but a faint and feeble review of the great and wonderful natural resources of Wisconsin. It now remains for me, in conclusion, briefly to refer to what has been done to build upon and improve these manifold and remarkable facilities. I have already said that the early territorial settlers began and carried on the work of improvement with peculiar skill and industry; that they established a system of laws which were so admirably fitted to the wants and growing capacities of the country as to need but little change when we became a state. Since then the same wisdom, the same care for the welfare and prosperity of the people, has in general marked the legislation of the state.

The state has no debt to speak of, and yet our charitable and penal institutions will compare favorably with any in any of the states of the Union or with those of any country in the world, both in respect to the convenience and splendor of their construction and the skill and learning with which each institution is

managed. A liberal school fund was originally provided for by congress, and the state has added largely to it, with which a system of education has been provided for the youth of Wisconsin, fully equal to any in the world. Colleges, established by different religious denominations, have sprung up in different parts of the state, which, together with the State University, are furnishing to the young men and women of the state every facility for a thorough and accomplished education. The University of Wisconsin, supported as it is by liberal and bountiful appropriations by the state, is fast becoming one of the leading institutions of learning in the United States; and I know of no reason why this institution may not in the near future be equal to any institution of learning in the world. Under the liberal patronage of the state, the sons and daughters of Wisconsin are, and are to be, forever hereafter, I hope, educated here free of expense. Thus, and in many ways I cannot mention, the people of Wisconsin have kept pace with the most advanced civilization. Everything has been done that could be done by enterprise, energy and industry to make Wisconsin what it pre-eminently is, one of the richest and most prosperous communities in the world. Added to our natural and unrivalled means of transportation throughout the state and abroad, by the water communications to which I have already referred, Wisconsin has her full share of railroad facilities. It would be a waste of time to attempt to enumerate the advantages of Wisconsin; it is sufficient to say that she has every advantage which a good government, a rich soil and a favored climate can give to a thrifty, industrious, intelligent people. All of these advantages have been grandly improved, until Wisconsin has become a great and prosperous commonwealth.

For all of these manifold blessings the people of the state are in great part indebted to you, gentlemen, who organized the territory and founded the state.

I hope these meetings may be continued from year to year, that they may increase in interest as the numbers entitled to be here diminish. Each recurring meeting, I am sure, will in many respects be sadder and sadder for those who come, until finally

when the last of this noble band of pioneer patriots and public benefactors, enfeebled by age, shall come with trembling steps, and with conflicting feelings of pleasure and pain — pain that he sees no more the noble forms and familiar faces of those who helped him to lay the foundation of this grand commonwealth; pleasure at the joyful greeting he will be sure to receive from the grateful people he so faithfully served. When this time comes, as it surely will come, I bespeak for this survivor, whoever he may be, a reception and a welcome that shall forever make that day memorable in the history of Wisconsin.



MAY 75



N. MANCHESTER,
INDIANA

